

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Education and Cultural Affairs*

May 2004

Members:

Sen. Neria R. Douglass, Chair

Sen. Michael F. Brennan

Sen. Betty Lou Mitchell

Rep. Glenn A. Cummings, Chair

Rep. Rosita Gagne-Friel

Rep. Jacqueline R. Norton

Rep. Jonathan Thomas

Rep. Edward D. Finch

Rep. Jeremy Fischer

Rep. Mary Black Andrews

Rep. Thomas W. Murphy, Jr.

Rep. Mary Ellen Ledwin

Rep. Gerald M. Davis

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special Session*

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla/billsumm.htm).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PASSED</i>	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Education and Cultural Affairs

LD 1649 **An Act To Rename the Former Vocational-technical Secondary Education Schools, Now Called Applied Technology Centers and Regions, Career and Technical Education Centers and Regions** **PUBLIC 545**

<u>Sponsor(s)</u> LEDWIN MITCHELL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-685
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LD 1649 proposed to changes the words "applied technology" to "applied career technology" throughout the Maine Revised Statutes.

Committee Amendment "A" (H-685) proposed to changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

Enacted Law Summary

Public Law 2003, chapter 545 changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

LD 1657 **Resolve, Directing the Department of Education To Amend Its Rules Regarding Child Development Services for Children of Kindergarten Age Who Are Not Attending Kindergarten** **ONTP**

<u>Sponsor(s)</u> THOMAS CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1657 proposed to direct the Department of Education to amend its rules regarding the provision of child development services for children of kindergarten age who are not attending kindergarten.

LD 1679 **An Act To Reimburse School Districts for Children in Group Care Facilities** **ONTP**

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1679 proposed to provide that the General Purpose Aid for Local Schools program would provide state subsidy for 100% of the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit. Under this bill, the Commissioner of Education would have been required to adjust each school administrative unit's state share of state subsidy to include an amount that equals 100% of the unit's actual special education costs, including the unit's personnel costs, to provide special education services and special education costs for state wards, state agency clients and out-of-district placements.

Joint Standing Committee on Education and Cultural Affairs

The bill also proposed to provide that the General Purpose Aid for Local Schools program fully fund the local share of actual local special education costs, the local share of the foundation allocation and the actual local per-pupil expenditure for each state ward, state agency client and out-of-district placement who is educated as a tuition student in another school administrative unit or at a private school.

At the end of the session, the Education Committee, by letter, requested that the Commissioner of Education report to the committee during the First Regular Session of the 122nd Legislature with appropriate recommendations for the level of state subsidy that should be provided to local school administrative units for the actual special education costs of the placement of state agency clients and state wards in a residential placement within the unit.

LD 1716 **Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001** **RESOLVE 128**

<u>Sponsor(s)</u> BRENNAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-443
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LD 1716 proposed to prohibit the Department of Education from using state funds to implement the policies of the federal No Child Left Behind Act of 2001. The resolve also proposed to require the Department of Education to investigate the costs and benefits of not participating in the federal No Child Left Behind Act of 2001. The resolve further proposed to require the department to submit its findings to the Joint Standing Committee on Education and Cultural Affairs by March 15, 2004.

Committee Amendment "A" (S-443) proposed to strike and replace the resolve to accomplish the following.

1. It removed the emergency preamble and the emergency clause.
2. It clarified that the prohibition on the use of state funds to participate in the federal No Child Left Behind Act of 2001 would not prohibit the State from expending other state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05.
3. It made an exception to the prohibition on the use of state funds to implement the policies of the federal No Child Left Behind Act of 2001 by authorizing the Department of Education to use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
4. It clarified that the investigation required by the resolve should focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and should include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001.
5. It changed the reporting date for the Department of Education to submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over education matters to January 15, 2005.